

**Proposal****§ 985.5 Production area.**

*Production area* means all the area within the States of Washington, Idaho, Oregon, and that portion of Nevada north of the 37th parallel and that portion of Utah west of the 111th meridian. The area shall be divided into the following districts:

- (a) *District 1.* State of Washington.
- (b) *District 2.* The State of Idaho and that portion of the States of Nevada and Utah included in the production area.
- (c) *District 3.* The State of Oregon.

**Authority:** 7 U.S.C. 601-674.

Dated: October 4, 1995.

**Lon Hatamiya,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 95-25121 Filed 10-10-95; 8:45 am]

**BILLING CODE 3410-02-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 95-NM-71-AD]

**Airworthiness Directives; Jetstream Model 4101 Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes to revise an existing airworthiness directive (AD), applicable to certain Jetstream Model 4101 airplanes, that currently requires repetitive inspections to detect damage to the overwing fairings, and replacement or repair of structurally damaged fairings. That AD was prompted by a report indicating that an overwing fairing detached from an airplane. The actions specified by that AD are intended to prevent reduced controllability of the airplane due to loss of an overwing fairing. This action would add an optional terminating action for the currently required inspections, and would limit the applicability of the rule.

**DATES:** Comments must be received by November 20, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-71-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00

p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:**

William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-71-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-71-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

On November 22, 1994, the FAA issued AD 94-24-09, amendment 39-

9082 (59 FR 60891, November 29, 1994), applicable to certain Jetstream Model 4101 airplanes, to require repetitive inspections to detect damage to the overwing fairings, and replacement or repair of structurally damaged fairings. That AD was prompted by a report that an overwing fairing detached from an airplane. The actions specified by that AD are intended to prevent reduced controllability of the airplane due to loss of an overwing fairing.

Since the issuance of that AD, the manufacturer has developed a modification which, if installed on the airplane, will eliminate the need for the repetitive inspections of the overwing fairings. This modification (Modification No. JM41392) is described in Jetstream Alert Service Bulletin J41-53-031, dated November 22, 1994. It entails the installation of a new fairing that has stronger stiffeners and has one additional stiffener and an access panel. The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, classified this service bulletin as optional.

Additionally, Jetstream has issued Alert Service Bulletin J41-53-028, Revision 2, dated January 17, 1995, which describes procedures for conducting detailed visual inspections to detect structural damage (such as creasing, cracking, or holes) in the left (Part 1) and right (Part 2) overwing fairings, and repair or replacement of creased or cracked fairings with new or serviceable fairings. Revision 1 of this service bulletin was cited in AD 94-24-09 as the appropriate source of service information for performing these inspections and repairs. Information contained in Revision 2 of this service bulletin is essentially the same as that contained in Revision 1; however, the effectivity listing has been revised to indicate that the inspections are applicable only to airplanes on which Modification JM41392 has not been installed in production or in accordance with Jetstream Service Bulletin J41-53-031. The CAA classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are

certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would revise AD 94-24-09 to continue to require repetitive inspections to detect damage to the overwing fairings, and replacement or repair of structurally damaged fairings. The proposed AD would reference Revision 2 of Jetstream Alert Service Bulletin J41-53-028 as an additional source of service information for performing these required actions.

This proposed AD would provide for an optional terminating action for the repetitive inspections, consisting of the installation of Modification JM41392 (improved wing-to-fuselage fairings). If this optional modification is installed, it would be required to be accomplished in accordance with Jetstream Service Bulletin J41-53-031, described previously. The FAA is not proposing to mandate the installation of this modification for several reasons:

1. The repair of cracked original fairings in accordance with the procedures specified in Service Bulletin J41-53-028 and the existing AD greatly reduces the probability of additional cracking. Further, subsequent to such repair, inspections of the area would continue to be required.

2. Accessing the wing-to-fuselage fairing area for inspection is easily accomplished.

3. The subject damage is easily detectable by means of a visual inspection.

4. The failure of a fairing may adversely affect the controllability of the airplane temporarily; however, it likely will not result in catastrophic loss of the airplane.

The applicability of the proposed AD has been revised to include only those airplanes on which Modification JM41392 has not been installed (either in production or in accordance with Jetstream Service Bulletin J41-53-031).

The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD.

The inspections currently required by AD 94-24-09 take approximately 0.25 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the total cost impact of the current inspection requirements of this AD on U.S. operators is estimated to be \$210, or \$15 per airplane, per inspection.

Should an operator elect to install the optional terminating modification, it would take approximately 20 work hours to accomplish, at an average labor

rate of \$60 per work hour. Required parts would cost approximately \$7,300 per airplane. Based on these figures, the total cost impact of this proposed optional terminating modification on U.S. operators is estimated to be \$8,500 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 USC 106(g), 40101, 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9082 (59 FR 60891, November 29, 1994), and by adding a new airworthiness directive (AD), to read as follows:

**Jetstream Aircraft Limited:** Docket 95-NM-71-AD. Revises AD 94-24-09, amendment 39-9082.

**Applicability:** Model 4102 airplanes; constructor's number 41004 and subsequent;

on which Modification JM41392 has not been installed (either during production or in accordance with Jetstream Service Bulletin J41-53-031); certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane, accomplish the following:

(a) Within 7 days after December 14, 1994 (the effective date of AD 94-24-09, amendment 39-9082), perform a detailed visual inspection to detect structural damage (such as creasing, cracking, or holes) to the left (Part 1) and right (Part 2) overwing fairings, in accordance with Jetstream Alert Service Bulletin J41-53-028, Revision 1, dated October 12, 1994; or Revision 2, dated January 17, 1995.

(1) If no structural damage is detected, repeat the inspection thereafter at intervals not to exceed 7 days.

(2) If creasing or cracking is detected, prior to further flight, inspect and repair it, in accordance with the alert service bulletin. Repeat the inspection thereafter at intervals not to exceed 300 hours time-in-service.

**Note 2:** Jetstream Alert Service Bulletin J41-53-028 references British Aerospace Public Limited Company Drawing 141R0700, Issue 3, dated September 14, 1994, and British Aerospace Public Limited Company Drawing 141R0705, Issue 2, dated September 22, 1994, for repair and inspection procedures.

(3) If holes are detected, prior to further flight, repair in accordance with the Jetstream Series 4100 Structural Repair Manual. Repeat the inspection thereafter at intervals not to exceed 300 hours time-in-service.

(b) Installation of Modification No. JM41392, Parts 1 and 2, in accordance with Jetstream Service Bulletin J41-53-031, dated November 22, 1994, constitutes terminating action for the inspections required by paragraph (a) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance

Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

**Note 4:** Alternative methods of compliance previously granted for amendment AD 94-24-09, amendment 39-9082, continue to be considered as acceptable alternative methods of compliance with this amendment.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 4, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-25159 Filed 10-10-95; 8:45 am]

**BILLING CODE 4910-13-U**

## 14 CFR Part 39

[Docket No. 95-NM-137-AD]

### Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Airbus Model A310 and A300-600 series airplanes, that currently requires a revision to the FAA-approved Airplane Flight Manual (AFM) that warns the flight crew about certain consequences associated with overriding the autopilot while it is in the COMMAND mode or in the pitch axis. That AD also requires modification of certain flight control computers (FCC). This action would require replacement of the currently required revision to the AFM with a newly worded revision that explains the effect the modification of the FCC's has on the operation and performance of the autopilot and that clarifies the limitation for unmodified airplanes. This proposal is prompted by the results of an FAA review of the requirements of the existing AD. The actions specified by the proposed AD are intended to prevent an out-of-trim condition between the trimmable horizontal stabilizer and the elevator, which could severely reduce controllability of the airplane.

**DATES:** Comments must be received by November 20, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-137-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

#### FOR FURTHER INFORMATION CONTACT:

Stephen Slotte, Aerospace Engineer, Flight Test and Systems Branch, ANM-111, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2315; fax (206) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-NM-137-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-137-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

On October 7, 1994, the FAA issued AD 94-21-07, amendment 39-9049 (59 FR 52414, October 18, 1994), applicable to all Airbus Model A310 and A300-600 series airplanes. That AD requires a revision to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) that warns the flight crew that overriding the autopilot while it is in the COMMAND mode could result in a severe out-of-trim condition, and that overriding the autopilot while it is in the pitch axis will not cancel the autotrim while it is in the "land" or "go-around" configuration. That AD also requires modification of certain flight control computers (FCC) so that the autopilot will disengage whenever the airplane is in the "go-around" mode above a certain airplane altitude. That action was prompted by an accident in which the flight crew may have attempted to override the autopilot while it was engaged in the COMMAND mode, which may have resulted in an out-of-trim condition between the trimmable horizontal stabilizer and the elevator. The requirements of that AD are intended to prevent this out-of-trim condition, which could result in severely reduced controllability of the airplane.

Since the issuance of that AD, the FAA has conducted a review of the requirements of that AD, including the language contained in the required AFM limitation. The FAA finds that for airplanes on which modification of the FCC's has been accomplished, in accordance with the requirements of the existing AD, the language contained in the AFM limitation does not accurately reflect the operation and performance of the autopilot. Therefore, the FAA has determined that the language in the AFM limitation must be revised to state more clearly the effects the modification has on the operation and performance of the autopilot when the pilot attempts to override the autopilot by exerting a certain amount of manual force on the control column. Furthermore, the FAA finds that language contained in the AFM limitation required by that AD could be stated more clearly for airplanes on which modification of the FCC's has not been accomplished.

The FAA has determined that these changes to the language of the AFM